



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
4400 PGA BLVD., SUITE 500
PALM BEACH GARDENS, FLORIDA 33410

REPLY TO
ATTENTION OF

16 SEP 2008

Palm Beach Gardens Section
SAJ-2000-2515(IP-JWH)

Palm Beach County
Department of Environmental Resources Management
2300 North Jog Road
West Palm Beach, FL 33411

Gentlemen:

The U.S. Army Corps of Engineers (Corps) is pleased to enclose the Department of the Army permit, which should be available at the construction site. Work may begin immediately but the Corps must be notified of:

- a. The date of commencement of the work,
- b. The dates of work suspensions and resumptions of work, if suspended over a week, and
- c. The date of final completion.

This information should be mailed to the Enforcement Section of the Regulatory Division of the Jacksonville District at Post Office Box 4970, Jacksonville, Florida 32232-0019. The Enforcement Section is also responsible for inspections to determine whether Permittees have strictly adhered to permit conditions.

IT IS NOT LAWFUL TO DEVIATE FROM
THE APPROVED PLANS ENCLOSED.

Sincerely,

Osvaldo Collazo
Chief, Regulatory Division

Enclosures

Copies Furnished:

CESAJ-RD-PE

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Palm Beach County, Dept of Env Res Mgmt	File Number: SAJ-2000-2515	Date: 16 SEP 2000
Attached is:		See Section below
<input type="checkbox"/>	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
<input checked="" type="checkbox"/>	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
<input type="checkbox"/>	PERMIT DENIAL	C
<input type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	D
<input type="checkbox"/>	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cw/ceewo/reg> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- *ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.*
- *OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.*

B: PROFFERED PERMIT: You may accept or appeal the permit

- *ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.*
- *APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.*

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- *ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.*
- *APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.*

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION

If you have questions regarding this decision and/or the appeal process you may contact:

Project Manager as noted in letter

If you only have questions regarding the appeal process you may also contact:

**Michael F. Bell
404-562-5137**

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number:

DEPARTMENT OF THE ARMY PERMIT

Permittee: Palm Beach County
Department of Environmental Resources Management
2300 North Jog Road
West Palm Beach, FL 33411-2743

SEP 16 2008

Permit No: SAJ-2000-2515 (IP-JWH)

Issuing Office: U.S. Army Engineer District, Jacksonville

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: The applicant proposes to perform the following activities: 1) construct a 6-foot X 596-foot boardwalk and 15-foot X 15-foot gazebo; 2) construct a 6-foot X 662-foot "L" shaped fishing pier; 3) install three (3) 5-foot X 50-foot aluminum gangway and three (3) 8-foot X 25-foot floating docks from fishing pier; and 4) demolish the old Lake Worth Bridge and use it to construct a 0.56 acre artificial reef.

Project Location: The proposed project is located within the Snook Islands Nature Area off of the western shoreline of Lake Worth Lagoon adjacent to Lake Avenue (SR 802), Lake Worth, (Section 22,27, Township 44 S, Range 43 E) in Palm Beach County, Florida.

Directions to site: Directions to the site are as follows: In Palm Beach County, exit I-95 south at Exit 64, 10th Ave and continue east on 10th Ave to N A St. Turn south on N A St, turn east on Lake Worth Road, and continue east of Lake Avenue.

Latitude & Longitude: Latitude: 26.618329941 N
Longitude: 80.045707957 W

Permit Conditions

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PERMITTEE: Palm Beach County DERM
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General Conditions:

1. The time limit for completing the work authorized ends on SEP 16 2013. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature and the mailing address of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions (Attachment A).

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

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PERMITTEE: Palm Beach County DERM
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1. **Reporting Addresses:** The Permittee shall reference this permit number, SAJ-2000-2515(IP-JWH), on all correspondence. Unless specifically notified to the contrary, the Permittee shall use the following addresses for transmitting correspondence to the referenced agencies:

- a) Jacksonville District Corps of Engineers (Corps),
Regulatory Division, Enforcement Section,
Post Office Box 4970, Jacksonville, Florida 32232
email: CESAJ-ComplyDocs@usace.army.mil
- b) National Oceanic and Atmospheric Administration (NOAA),
Office of Coast Survey, N/CS26, Sta. 7317, 1315 East-West
Highway, Silver Springs, MD, 20910-3282
- c) Commander, U.S. Coast Guard (USCG)
7th District (DPW)
909 Southeast 1st Street Suite 406
Miami, Florida 33131
- d) Florida Fish and Wildlife Conservation Commission (FWC)
Artificial Reef Program, 620 S. Meridian Street, Box 4B2,
Tallahassee, FL 32399.
fax: 850-922-0463
email: Jon.Dodrill@myfwc.com, bill.horn@myfwc.com, and
keith.mille@myfwc.com

2. **Initial Agency Notification:** The Permittee shall provide to the Corps, NOAA and USCG written notification of the planned deployment start date at least two weeks prior to the initial deployment on the authorized artificial reef site.

3. Prior to the initiation of any of the work authorized by this permit the Permittee shall install floating turbidity barriers with weighted skirts that extend to within 1 foot of the bottom around all work areas that are in, or adjacent to, surface waters. The turbidity barriers shall remain in place and be maintained until the authorized work has been completed and all erodible materials have been stabilized.

4. No reef materials or module will weigh less than 500 pounds. Reef materials shall be clean and free from asphalt, petroleum, other hydrocarbons and toxic residues, loose free

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floating material or other deleterious substances. All artificial reef materials and/or structures will be selected, designed, constructed and deployed to create, stable and durable marine habitat. The Permittee shall deploy only the following authorized reef materials:

- a) Prefabricated artificial reef modules composed of ferrous and/or aluminum-alloy metals, concrete, rock or a combination of these materials.
- b) Natural rock boulders and other pre-cast concrete material, such as, culverts, stormwater junction boxes, power poles, railroad ties, jersey barriers, or other similar concrete material.
- c) Clean steel and concrete bridge or large building demolition materials such as slabs or pilings with all steel reinforcement rods severed as close to the concrete surface as possible but not to extend more than 6 inches to ensure the rod will not create a fishing tackle or diver ensnaring hazard.

5. **Reef Parameters:** The Permittee shall deploy all reef materials within the site boundaries as defined on the attached permit drawings of this permit.

6. **Violation of Reef Parameters:** In the event reef material is deployed or discovered (i.e., after a storm event) in a location or manner that is contrary to the **Reef Parameters** Special Condition, the Permittee shall immediately notify the USCG Station and provide information as requested by the station. The Permittee shall notify NOAA, USCG Corps, and FWC in writing within 24 hours of the occurrence. At a minimum the written notification shall explain how the deployed material exceeds the authorized reef parameters, a description of the material, a description of the vessel traffic in the area, the deployment location in nautical miles at compass bearing from obvious landmarks, the location of the unauthorized material in latitude and longitudes coordinates (degree, minute, decimal minute format to the third decimal place) and the water depth above the material from Mean Lower Low Water. The document will list the information provided by telephone to the USCG as noted above and include the time of the call and the name of the USCG personnel receiving the information.

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7. Pre-Deployment Notification: No less than 14 days prior to deployment of material on an artificial reef, the Permittee shall transmit by electronic mail ("email") a complete and signed "Florida Artificial Reef Materials Cargo Manifest and Pre-Deployment Notification" form, provided in Attachment B of this permit, to the Corps and FWC to allow inspection of the proposed reef materials as deemed necessary by the agencies. Inspection is allowable at the staging area. By signing the Pre-Deployment Notification the Permittee certifies that all materials are free from asphalt, petroleum, other hydrocarbons and toxic residues. The Permittee shall take digital photos of representative components/pieces of reef material and transmit with the above form as PDF attachments to the email addresses listed in special condition 1. The Permittee shall utilize read receipt email verification to ensure the electronic documents are received by the Corps and FWC. The form and photos should not exceed 4 megabytes. The Permittee shall not deploy material if notified by the Corps or FWC that the material is questionable or unacceptable until the material has been evaluated and released for deployment. Any material that is deemed unacceptable for reef material will be disposed in an approved upland disposal site.

Deployment of the material shall not occur until the end of the 14 day inspection period. The Permittee shall ensure both a copy of the Corps permit and the signed "Florida Artificial Reef Materials Cargo Manifest and Pre-Deployment Notification form" are maintained aboard the deployment vessel at all times during loading, transit, and deployment.

8. Deployment Monitoring: The Permittee or the permittee's representative shall be on site during every deployment to verify compliance with the permit and its conditions. The authorized representative shall not be the person who physically or contractually is responsible for deployment of the transported reef materials. The permittee or representative shall verify latitude and longitude coordinates using a Differential Global Positioning System (DGPS) or Wide Area Augmentation System (WAAS) enabled unit accurate to within 5 meters horizontal distance. Depth shall be verified utilizing fathometer, depth sounder, or similar device accurate to within 1 meter.

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9. **Ownership/Maintenance/Liability:** By signing this permit, the Permittee certifies and acknowledges ownership of all artificial reef materials deployed on the reef, accepts responsibility for maintenance of the artificial reef, and possesses the ability to assume liability for all damages that may arise with respect to the artificial reef. The Permittee re-certifies these commitments upon signature and submission of the "Florida Fish and Wildlife Conservation Commission's Artificial Reef Materials Cargo Manifest and Pre-Deployment Notification" form in accordance with the **Pre-Deployment Notification** Special Condition.

10. **Deployment Summary/Monitoring Report:** Within 12 months from the effective date of this permit and annually thereafter until expiration of the deployment authorization, the Permittee shall electronically submit to the Corps and FWC a spreadsheet listing the deployments that occurred within the previous 12 months and a written report which summarizes, analyzes, and draws conclusions regarding the activities or issues associated with the reef in the past 12 months. For each deployment, the spreadsheet will include the local tracking number, date deployed, latitude and longitude, description and quantity of the material deployed, depth of water above material, approximate area of seafloor covered. The spreadsheet will document any known changes in material condition (stability, durability, and location) as compared to those same characteristics at time of deployment. The report may include but is not limited to use trends, site management constraints and resolutions, management techniques, modifications of operational plans, lessons learned, etc. Results of any performance monitoring (description of fish and other biota observed) will be included in the report. The report shall be limited to 5 pages of written text and include a permit drawing(s) or similar visual depiction of the location of each deployment in relation to the boundary of the reef site. Immediately upon expiration of the deployment authorization or request for permit extension, a summary of reports submitted since the last permit issuance/renewal will be submitted to the Corps, NOAA and FWC. This compilation will document any known changes in material stability, durability, or location as compared to that most recently reported for a site as well as a summary/analysis of the qualitative data (trends, lessons learned, etc.) in the yearly reports.

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11. **Marine Life Entrapment:** Neither reef structure nor material or the method of design or deployment should pose a risk of entrapping fish, marine turtles, or marine mammals. Any observation of entrapped marine turtles or marine mammals on this artificial reef site must be reported immediately to the Corps and FWC.

12. **Protected Species Guidance:** The Permittee shall comply with the "Vessel Strike Avoidance Measures and Injured or Dead Protected Species Reporting" guidance for marine turtles and marine mammals, provided in Attachment C of this permit.

13. **Sea Turtle/Sawfish/Sturgeon Guidelines:** The Permittee shall comply with the National Marine Fisheries Service's "Sea Turtle and Smalltooth Sawfish Construction Conditions", which also applies to sturgeon, provided in Attachment D of this permit.

14. **Manatee Protection:** The permittee shall comply with the standard Manatee Construction Conditions (Attachment E)

15. Within 60 days of completion of the authorized work or at the expiration of the construction window of this permit, whichever occurs first, the Permittee shall submit as-built drawings of the authorized work and a completed As-Built Certification Form (Attachment F) to the Corps. The drawings shall be signed and sealed by a Florida registered professional engineer or a professional land surveyor registered in the state of Florida and include the following:

a. A plan view drawing of the location of the authorized work footprint (as shown on the permit drawings) with an overlay of the work as constructed in the same scale as the attached permit drawings (8½-inch by 11-inch). The drawings shall include the X-Y coordinates of the most waterward point of the structure and a point at the mean high water line (MHWL) or the face of the bulkhead/seawall, if present. The drawings shall include: (1) The dimensions of the structure, (2) depth of water (at mean low water) at the waterward end of the structure, and (3) the distance from the waterward end of the structure to the near bottom edge of the channel.

b. List any deviations between the work authorized by this permit and the work as constructed. In the event that the completed work deviates, in any manner, from the authorized

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work, describe on the As-Built Certification Form the deviations between the work authorized by this permit and the work as constructed. Clearly indicate on the as-built drawings any deviations that have been listed. Please note that the depiction and/or description of any deviations on the drawings and/or As-Built Certification Form does not constitute approval of any deviations by the U.S. Army Corps of Engineers.

c. The Department of the Army Permit number.

d. Include pre- and post-construction aerial photographs of the project site, if available.

16. The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

17. If prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, the permitted project should cease all activities involving subsurface disturbance in the immediate vicinity of such discoveries. The permittee, or other designee, should contact the Florida Department of State, Division of Historical Resources, Review and Compliance Section at (850) 245-6333 or (800) 847-7278, as well as, the appropriate permitting agency office. Project activities should not resume without verbal and/or written authorization from the Division of Historical Resources. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately and the proper authorities notified in accordance with Section 872.05, Florida Statutes.

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Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

(X) Section 10 of the Rivers and Harbors Act of 1899
(33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

() Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal projects.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

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d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions: General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a

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PERMITTEE: Palm Beach County DERM

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prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

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Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

Richard E. Walesky
(PERMITTEE)

9/16/08
(DATE)

Richard E. Walesky
(PERMITTEE NAME-PRINTED)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

Paul L. Grosskruger
(DISTRICT ENGINEER)
Paul L. Grosskruger
Colonel, U.S. Army
District Commander

16 Sep 08
(DATE)

PERMIT NUMBER: SAJ-2000-2515(IP-JWH)
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When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE-SIGNATURE)

(DATE)

(NAME-PRINTED)

(ADDRESS)

(CITY, STATE, AND ZIP CODE)

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***Attachments to Department of the Army
Permit Number SAJ-2000-2515(IP-JWH)***

1. PERMIT DRAWINGS: 7 pages.
2. WATER QUALITY CERTIFICATION: Specific Conditions of the water quality permit/certification in accordance with General Condition number 5 on page 2 of this DA permit. Attachment A, 4 pages.
3. Florida Artificial Reef Materials Cargo Manifest and Pre-Deployment Notification (Attachment B).
4. "Vessel Strike Avoidance Measures and Injured or Dead Protected Species Reporting" guidance for marine turtles and marine mammals. (Attachment C).
5. Additional Documents: Standard Construction Conditions for Sea Turtles and Small Tooth Sawfish (Attachment D) and Manatee Construction Conditions (Attachment E).
6. As-Built Certification Form. Attachment F.



US Army Corps
of Engineers

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Attachment # __, Page 1 of 7

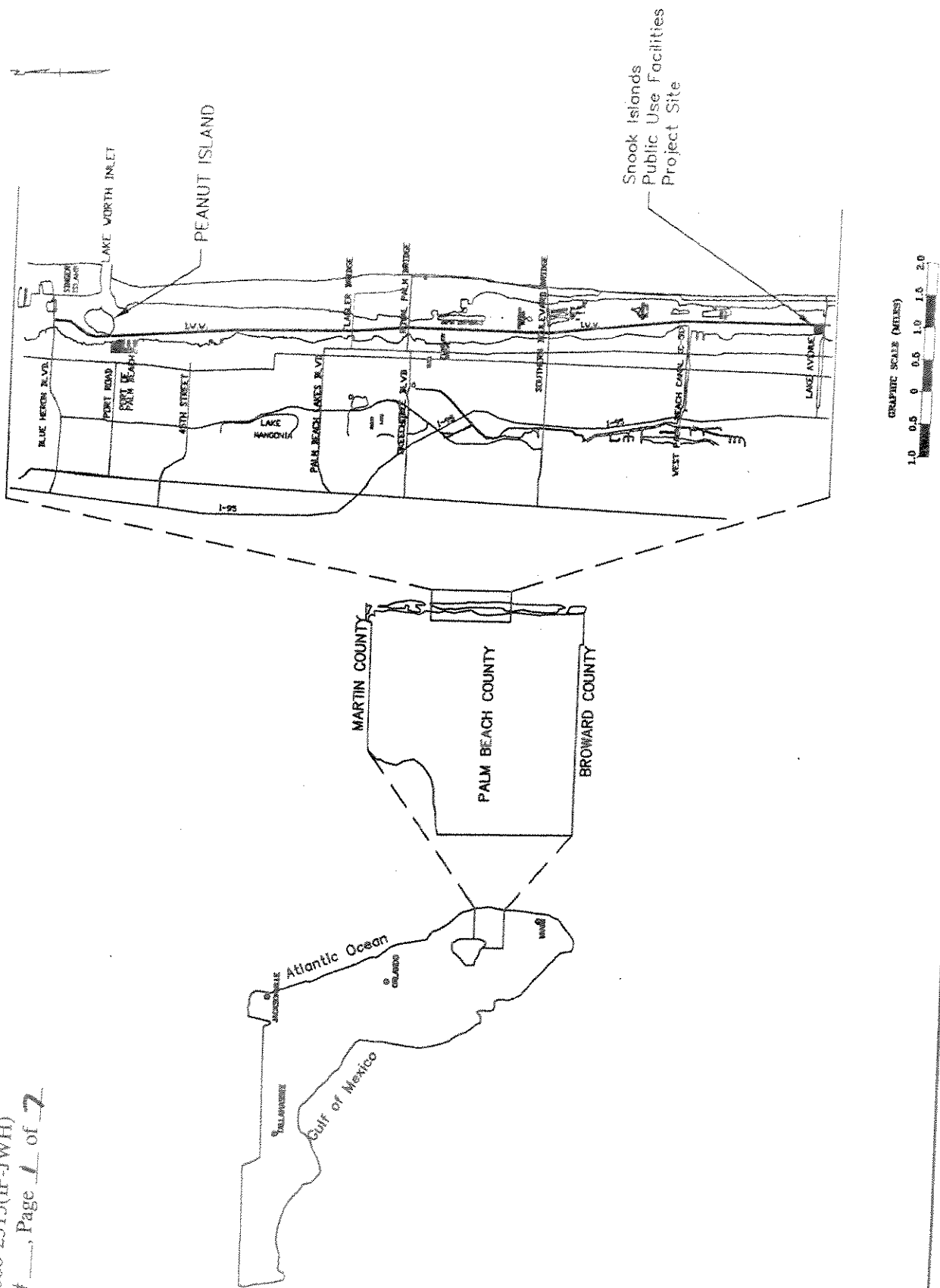
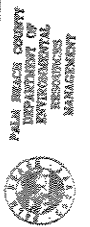


Figure 2.
Snook Islands Public Use Facilities
Location and Vicinity Map



Project _____
Subject _____
Project No. _____
Sheet _____ of _____



US Army Corps
of Engineers

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Attachment # 7 of 7

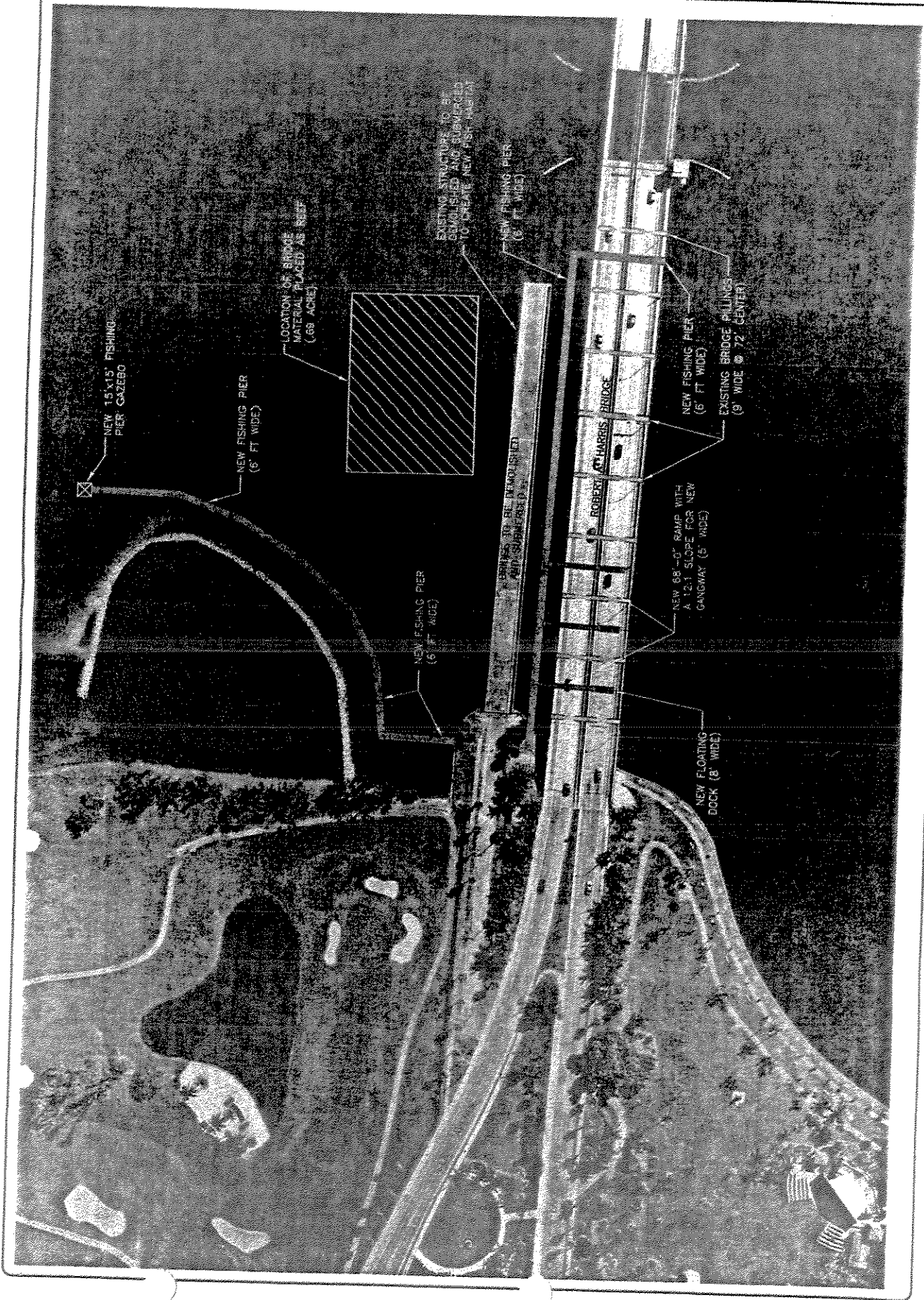
DEPARTMENT OF
Palm Beach County
ENVIRONMENTAL
RESOURCES MANAGEMENT
3300 NORTH JOE ROAD, 4TH FLOOR
WEST PALM BEACH, FLORIDA 33411

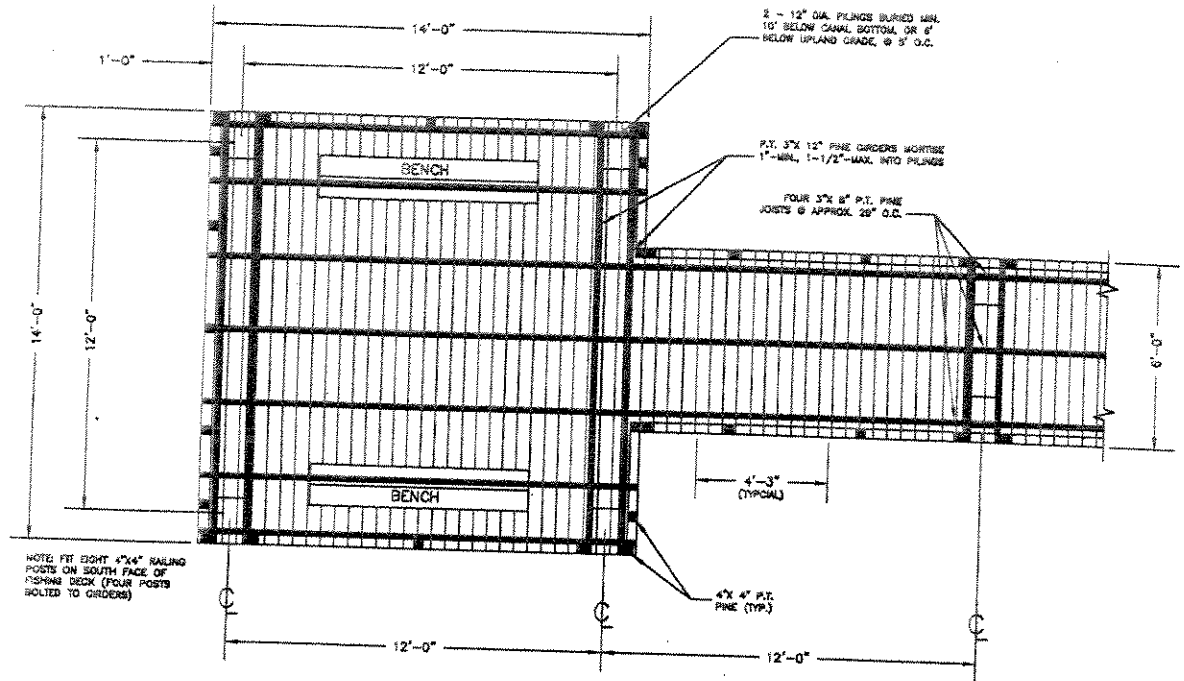


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Drawn: [Signature]	Discussed: [Signature]	Discussed: [Signature]	Discussed: [Signature]

SNOOK ISLANDS
NATURAL AREA

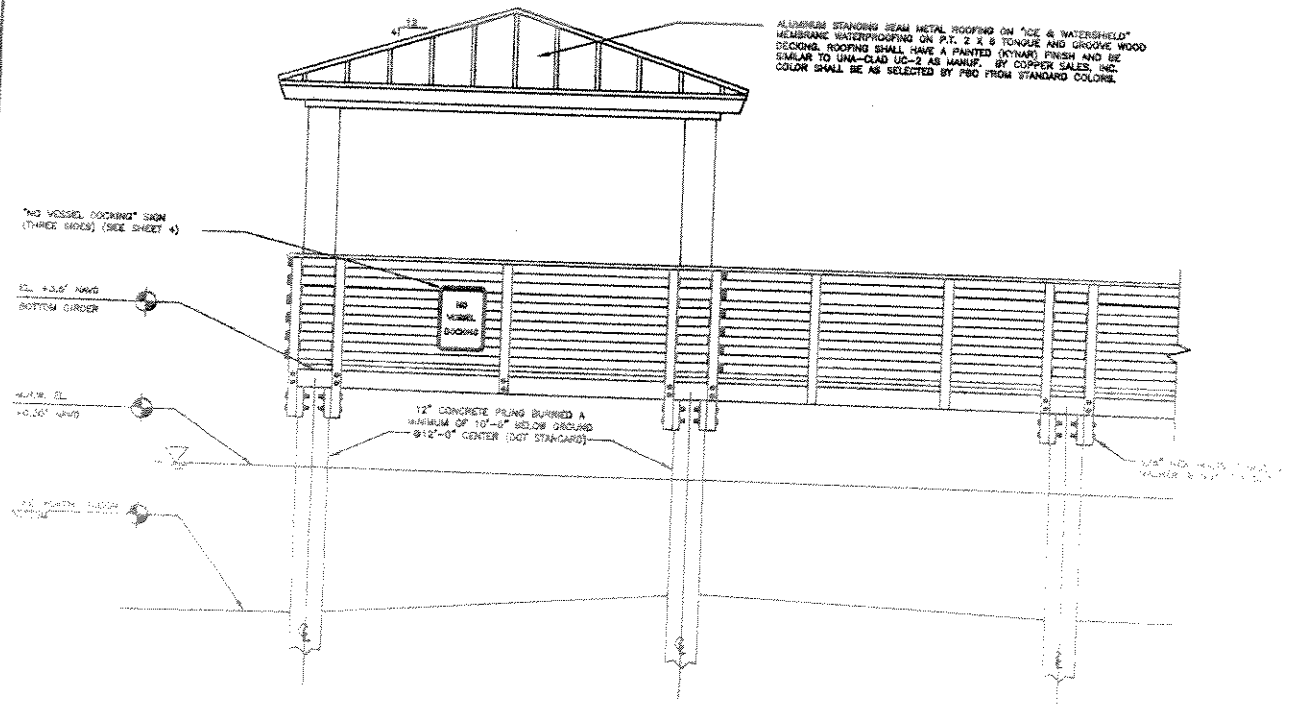
Sheet: 04
Project: 16





GAZEBO AND BOARDWALK PLAN

SCALE: 3/8" = 1'-0"



GAZEBO AND BOARDWALK ELEVATION

SCALE: 3/8" = 1'-0"



US Army Corps
of Engineers

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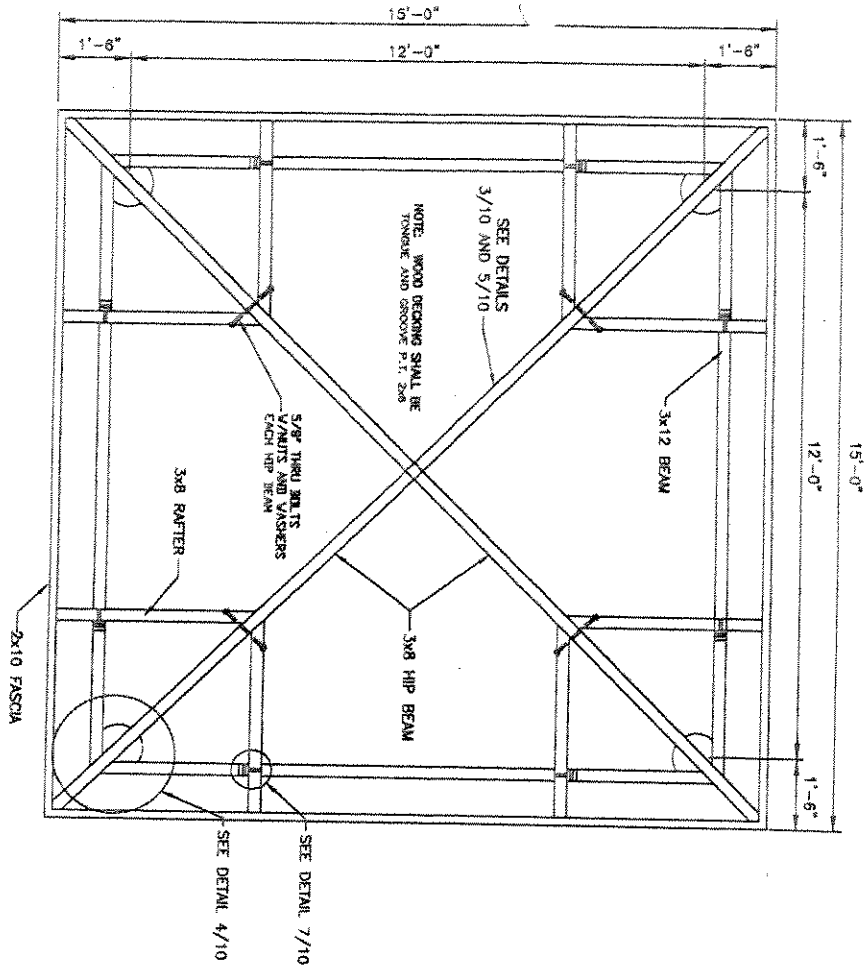
Attachment # ____, Page 3 of 2

Sheet 2	Project SNOOK ISLANDS NATURAL AREA	SEAL	Scale AS SHOWN	Rev.	Revised	By	Date
Drawn 4	Project No.	Checked 00	05/31/2006	Time Back Rec.			
GAZEBO AND BOARDWALK PLAN & ELEVATION			PALM BEACH COUNTY DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT 2500 NORTH JOG ROAD WEST PALM BEACH, FL 33411				



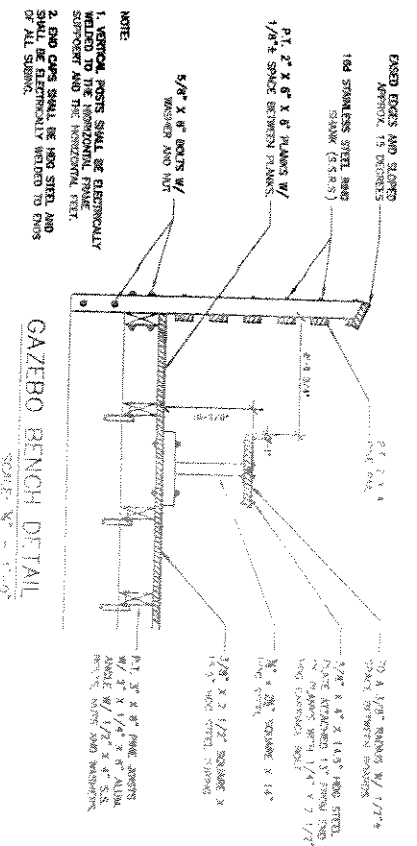
TABLE 1. *Continued*



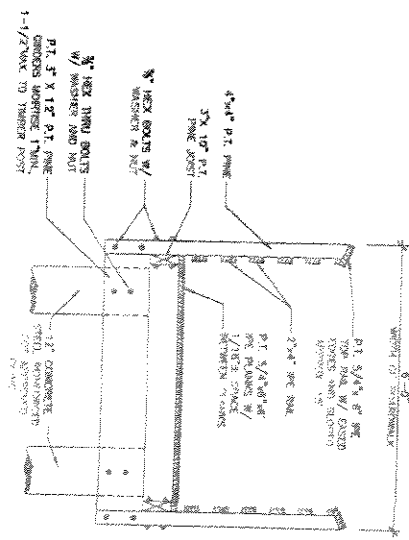


ROOF FRAMING PLAN

SCALE: 3/8" = 1'-0"



GAZEBO BENCH DETAIL



BOARDWALK SECTION

SCALE: 3/8" = 1'-0"



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SNOK ISLANDS NATURAL AREA GAZEBO AND BOARDWALK CROSS SECTIONS & DETAILS		SEAL	Title Author Date	Reviewer Date	Date Author Date	Date Author Date
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3

PALE BEACH COUNTY

PALE BEACH COUNTY
DEPARTMENT OF
ENVIRONMENTAL RESOURCES MANAGEMENT
8300 NORTH JAG ROAD
WEST PALM BEACH, FLORIDA 33411

PALE BEACH COUNTY



US Army Corps
of Engineers

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Snook Islands Public Use facilities

History

Construction of the Snook Islands habitat enhancement project in Lake Worth was completed in May, 2005. This ~100 acre project included creation of 10 acres of red mangroves, 2.8 acres of Spartina marsh, 2.3 acres of oyster reef, and approximately 50 acres of seagrass recruitment area (Figure 1.) The old section of the original Lake Worth Bridge is positioned at the southern end of the Snook Islands project. This bridge until recently had been a heavily used fishing spot. Unfortunately, the bridge's structural integrity has been compromised, and the bridge had to be closed until demolition could be accomplished. The completion of Snook Islands and loss of use of the bridge has driven an effort to construct another public facility to serve the residents of the County. This is an application for a permit to demolish the old Lake Worth Bridge and use it to create an artificial reef, and to construct a boardwalk/gazebo, fishing pier, and 6 day docks at the southern end of the Snook Islands project.

Site Description

The Snook Islands Public Use facility is located on submerged lands along the western shore of the Lake Worth Lagoon at the Lake Avenue (Lake Worth) Bridge, Palm Beach County, Florida (Figure 2). A USGS quad map of the project vicinity is also included (Figure 3).

The Lake Worth Golf Course was created through the dredging and filling of the lagoon bottom, resulting in a deep dredged hole just offshore of the golf course. This dredging terminated at the original Lake Worth Bridge, a 500 foot portion of which remains standing (Figure 4). Immediately south of the bridge is the 7.6 acre Bryant Park, which includes two boat launching ramps.

Proposed Project

A plan view of the proposed work is shown on Figure 4. The project includes the following activities:

Demolition of old bridge and artificial reef construction

A tug, barge, and crane will be used to demolish the old Lake worth Bridge. The concrete material generated through demolition will be placed in a 0.69 acre artificial reef site located just north of the existing bridge (Fig. 4). A minimum of 6 feet of clearance at mean low water over the reef will be maintained at all times (Fig. 5).

Construction of fishing pier

After demolition of the bridge, a 662 foot long by 6 foot wide fishing pier will be constructed in the space between the Lake Worth bridges (Fig. 4). The pier's L-shaped

configuration includes an east-west run that is 560 feet long, and a north south run of 102 feet. Construction will include the use of 12" diameter pre-cast concrete piles and wood framing and decking. A barge and crane will be used to drive the piles into the lagoon bottom. The final deck elevation will be at +5.0 feet referenced to the National Geodetic Vertical Datum of 1929 (NGVD). Mean high water at the site is +1.79 NGVD and mean low water is -0.82 NGVD. Typical fishing pier construction details are shown on Figure 6. Three 25 ft X 6 ft floating day docks capable of berthing 6 boats will then be constructed along the southern side of the pier. The docks will be constructed of polystyrene floats with a concrete deck.

Construction of boardwalk and gazebo

A 578 foot boardwalk and gazebo will be constructed around the southern mangrove planter at Snook Islands (Fig. 4). A 15ft X 15 ft gazebo will be constructed at the boardwalk's terminus. Construction of the boardwalk will be identical to construction of the fishing pier as outlined above.

Potential Resource Impacts

Artificial reef site

The proposed artificial reef site is located in the dredged hole created through construction of the golf course. Sediments in the hole are fine grained. Depths in the site are -10 ft NGVD and deeper. There are no submerged resources such as seagrasses to be impacted through construction of the artificial reef.

Boardwalk/gazebo

The boardwalk and gazebo are being constructed around the southern mangrove planter at Snook Islands. Sediments are coarse sand mixed with rock rubble. The piles are being driven into the substrate beginning at -4.0 NGVD. This depth is below the depth range that seagrasses currently exist in the vicinity. There are no impacts to seagrasses expected as a result of boardwalk construction.

Fishing pier/floating docks

The fishing pier is located just south of the old Lake Worth Bridge. No dredging has occurred here since the bridge was constructed in the early 1900's. Core borings collected in anticipation of construction of the current Lake Worth Bridge reveal that sediments in the area are composed of tan silt, shell, and some silica sand. These borings are included as Attachment 1.

Depths in the area are generally -7.0 to -9.0 ft NGVD, except close to shore. The footprint is fairly deep and partially shaded by the existing bridges, so no impact to seagrasses or other resources is expected during project construction.



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SPECIAL CONDITIONS

1. The construction phase of this permit shall expire on August 27, 2013.
2. The permittee shall be responsible for the correction of any erosion, shoaling or water quality problems that result from the construction or operation of the surface water management system.
3. Measures shall be taken during construction to insure that sedimentation and/or turbidity violations do not occur in the receiving water.
4. Facilities other than those stated herein shall not be constructed without an approved modification of this permit.
5. This permit is issued based on the applicant's submitted information which reasonably demonstrates that adverse water resource related impacts will not be caused by the completed permit activity. Should any adverse impacts caused by the completed surface water management system occur, the District will require the permittee to provide appropriate mitigation to the District or other impacted party. The District will require the permittee to modify the surface water management system, if necessary, to eliminate the cause of the adverse impacts.
6. The permittee acknowledges, that pursuant to Rule 40E-4.101(2), F.A.C., a notice of Environmental Resource or Surface Water Management Permit may be recorded in the county public records. Pursuant to the specific language of the rule, this notice shall not be considered an encumbrance upon the property.
7. A turbidity control plan shall be implemented in accordance with Exhibit No. 3.3. Prior to the commencement of construction in the Intracoastal Waterway, floating turbidity curtains with weighted skirts that extend to the bottom of the water body shall be properly installed to isolate adjacent waters from the work area. The floating turbidity curtains shall be maintained and shall remain in place until all construction is complete and turbidity levels in the project area are within 29 NTUs of background levels (or meet OFW standards). The permittee shall be responsible for ensuring that turbidity control devices are inspected daily and maintained in good working order so that there are no violations of state water quality standards outside of the turbidity screens.
8. The permittee shall comply with applicable state water quality standards including:
 - a) 62-302.500 - Minimum criteria for all surface waters at all places and all times;
 - b) 62-302.510 - Surface waters: general criteria
 - c) 62-302.560 - Class III waters; recreation, propagation and maintenance of a healthy, well balanced population of fish and wildlife;
 - d) 62-302.600 - Classified waters.
9. A water quality monitoring program shall be implemented as outlined below:

Turbidity expressed in nephelometric turbidity units (ntu). Background samples shall be taken 200 feet upstream of any construction activity within adjacent surface waters. Compliance samples shall be taken 200 feet downstream. Samples shall be taken twice daily, with at least a four-hour interval, during all work authorized by this permit.

Monitoring shall begin on the first day of construction for all activities within or adjacent to surface waters. The monitoring data must demonstrate that turbidity 200 feet downstream of all proposed activities is less than or equal to 29 NTU's above natural background turbidity (or meets OFW standards) and 200 feet upstream of each proposed activity for a period of 7 consecutive days after completion of construction. If monitoring shows such levels to be exceeded, construction shall cease and District compliance staff shall be notified immediately. Work shall not resume until District staff is satisfied that adequate corrective measures have been taken and turbidity has returned to acceptable levels.



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SPECIAL CONDITIONS

All monitoring data shall be maintained on site and be available to District staff during regular business hours. The content of the data shall include:

1) permit and application number; (2) dates of sampling and analysis; (3) statement describing the methods used in collection, handling, storage and analysis of the samples; (4) a map indicating the sampling locations and (5) a statement by the individual responsible for implementation of the sampling program concerning the authenticity, precision, limits of detection and accuracy of the data.

Monitoring reports shall also include the following information for each sample that is taken:

- (a) time of day samples taken;
- (b) depth of water body;
- (c) depth of samples;
- (d) antecedent weather conditions;
- (e) wind direction and velocity;
- (f) direction of tide.

10. The District reserves the right to require remedial measures to be taken by the permittee if monitoring or other information demonstrates that adverse impacts to onsite or offsite wetlands, upland conservation areas or buffers, or other surface waters have occurred due to project related activities.
11. All contractors must be provided with a copy of the staff report and permit conditions prior to the commencement of construction. The permittee is responsible for ensuring that all contractors adhere to the project construction details and methods indicated on the attached permit Exhibits and described herein.
12. Endangered species, threatened species and/or species of special concern have been observed onsite and/or the project contains suitable habitat for these species. It shall be the permittee's responsibility to coordinate with the Florida Fish and Wildlife Conservation Commission and/or the U.S. Fish and Wildlife Service for appropriate guidance, recommendations and/or necessary permits to avoid impacts to listed species.
13. No blasting is permitted for the project related activities.
14. The permittee shall instruct all personnel associated with the project of the potential presence of manatees and the need to avoid collisions with manatees. All construction personnel are responsible for observing water-related activities for the presence of manatee(s).

The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act of 1972, The Endangered Species Act of 1973, and the Florida Manatee Sanctuary Act.

Siltation barriers shall be made of material in which manatees cannot become entangled, are properly secured, and are regularly monitored to avoid manatee entrapment. Barriers must not block manatee entry to or exist from essential habitat.

All vessels associated with the construction project shall operate at "no wake/idle" speeds at all times while in the construction area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

If manatee(s) are seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure protection of the manatee. These precautions shall include the operation of all moving equipment no closer than 50 feet of a manatee. Operation of any equipment closer than 50 feet to a manatee shall necessitate immediate shutdown of



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SPECIAL CONDITIONS

that equipment. Activities will not resume until the manatee(s) has departed the project area of its own volition.

Any collision with and/or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-FWCC. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-232-2580) for north Florida or Vero Beach (1-772-562-3909) in south Florida.

Temporary signs concerning manatees shall be posted prior to and during all construction/dredging activities. All signs are to be removed by the permittee upon completion of the project. A sign measuring at least 3 ft. by 4 ft. which reads Caution: Manatee Area will be posted in a location prominently visible to water related construction crews. A second sign should be posted if vessels are associated with the construction, and should be placed visible to the vessel operator. The second sign should be at least 8 1/2" by 11" which reads Caution: Manatee Habitat. Idle speed is required if operating a vessel in the construction area. All equipment must be shutdown if a manatee comes within 50 feet of operation. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-232-2580) for north Florida or Vero Beach (1-772-562-3909) in south Florida.

15. The proposed Snook Islands Public Use project will be constructed per the methodologies outlined in Exhibit 3.0.
16. No mooring shall be permitted aside from the transitory docking facilities specifically noted on project plans. Permanent physical markers designating no mooring areas shall be installed per Exhibit 3.2h. These markers shall be maintained in perpetuity.
17. No fueling or fish cleaning facilities shall be installed or operated on the facilities authorized herein.
18. Specific personnel shall be designated as manatee observers for the bridge demolition work. The designated observer(s) shall be dedicated only for this task, must be on site during all in-water activities, and will advise personnel to cease operation upon sighting a manatee within 50 feet of any in-water demolition activity. The observer(s) shall wear polarized sunglasses to aid in observation. Observers shall maintain a log detailing manatee sightings, work stoppages, and other protected species-related incidents. A report, summarizing all activities noted in the observer logs, the location and name of project, and the dates and times of work shall be submitted within 30 days following project completion to the Florida Fish and Wildlife Conservation Commission's Imperiled Species Management Section at : 620 Meridian Street, 6A Tallahassee, Florida 32399-1600, or e-mailed at fcmpmail@myfwc.com.
19. Neither reef structure, material, or the method of design or deployment shall pose a risk of entrapping fish or marine turtles. After placement, reef material shall be examined by a person that shall have prior approval by the FWC Imperiled Species Management Section to ensure no holes, crevices, or other openings exist that could pose a marine turtle entrapment risk. Any observation of entrapped fish or marine turtles on this artificial reef site shall be reported immediately to FWC Hotline at 1-888-404-FWCC and also to the U.S. Fish and Wildlife Service in Vero Beach (1-772-562-3909).
20. Reef materials authorized for use in this permit are limited to clean concrete bridge materials such as slabs or pilings, weighing no less than 500 pounds in air, with all steel reinforcement rods severed as close to the concrete surface as possible but not to extend more than 6 inches to ensure the rod will not create a fishing tackle or diver ensnaring hazard. All reef material must be clean and free from asphalt, creosote, petroleum, other hydrocarbons and toxic residues. Small concrete pieces (weighing less than 500 pounds) and debris is not authorized for placement at the artificial reef site and shall be properly disposed or recycled at a land-based facility.

To minimize the loss of fishing gear among the concrete artificial reef materials and the resultant marine debris and entanglement hazards, there shall be a 75-foot buffer between the edge of the artificial reef



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SPECIAL CONDITIONS

and the edge of the fishing piers. The permittee shall maintain monofilament disposal or recycling bins on the fishing pier, provide education signs encouraging the use of the bins and conduct an annual marine debris cleanup using SCUBA divers to remove lost fishing gear and marine debris from the artificial reef site.

21. A representative of the permit holder must be onsite during every deployment of material to construct the artificial reef and verify the placement coordinates in degrees, minutes, and decimal minutes, as well as depth, vertical clearance over the material, and 75-foot buffer from the fishing pier, submitting this and other information as required in an a Material Placement Report to the Florida Fish and Wildlife Conservation Commission's (FWC) artificial reef program. The Material Placement Report form is to be submitted to FWC within 30 days after completion of construction. The form is available from the FWC artificial reef program website (<http://myfwc.com/marine/ar/FWCArtificialReefMaterialPlacementReport.pdf>)
22. The permittees shall develop and implement a Florida Fish and Wildlife Conservation Commission (FWC) approved marina education program prior to slip occupancy. The permittee shall develop this education program with the assistance of FWC, and FWC shall approve this education plan prior to its implementation. The program may include (at a minimum) the posting of permanent manatee education signs and the display of brochures in a prominent location. This education program must be maintained for the life of the facility. Marina education program guidelines can be obtained from FWC. Contact the Florida Fish and Wildlife Conservation Commission, Imperiled Species Management Section at: 620 Meridian Street, 6A Tallahassee, Florida 32399-1600 (telephone 850/922-4330 or ImperiledSpecies@myfwc.com).



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DIVISION OF MARINE FISHERIES
ARTIFICIAL REEF PROGRAM

Page _____ of _____

ARTIFICIAL REEF MATERIALS CARGO MANIFEST
(Issued pursuant to Ch. 370.25(6)(b), Florida Statutes)

Name of individual managing reef deployment (print) _____

Signature / Date _____

whose address is _____

Street _____

City _____

State _____

Zip Code _____

declare that I am staging and transporting the following artificial reef construction materials allowable pursuant to the U.S. Army Corps of Engineers Artificial Reef Permit referenced below.

The location of the land based reef materials staging area is: _____

Transporting Vessel Registration Number: _____

Vessel Owner: _____ Vessel Operator: _____

The following items are to be deployed as reef material (use additional sheets if necessary):

MATERIAL TAG ID NUMBER(S), if applicable	Descriptions of material (number of pieces, type, dimension, weight)	GPS Coordinates
		Lat: Lon:
		Lat: Lon:
		Lat: Lon:
		Lat: Lon:

A copy of the below referenced permit(s) and all associated conditions is attached to this manifest and shall be carried on board the vessel during loading, storing, or transporting artificial reef material.

— OFFICIAL USE ONLY —

(TO BE COMPLETED BY PERMIT HOLDER, OR AUTHORIZED ARTIFICIAL REEF INSPECTOR)

Permit Holder: _____

Name of U.S. Department of the Army, Corps of Engineers (ACOE) Permit Holder

ACOE permit number _____ permitted site name _____

Issued on _____ and has an expiration date of _____

Local Inspection permit number (if applicable): _____

(Name of FWC authorized Artificial Reef Inspector, printed)

(Signature) _____

(Date) _____



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EXPLANATION SHEET FOR THE ARTIFICIAL REEF MATERIALS CARGO MANIFEST FORM

The attached artificial reef cargo manifest has been developed in compliance with subsection 370.25 (6)(b), Florida Statutes, which states that:

"It is unlawful for any person to: store, possess or transport on or across state waters any materials reasonably suited for artificial reef construction and stored in such a manner providing ready access for use and placement as an artificial reef, unless a valid cargo manifest issued by the commission or a commission-certified inspector is onboard the transporting vessel. The manifest will serve as authorization to use a valid permitted site or land-based staging area, which will validate that the type of artificial reef construction material being transported is permissible for use at the permitted site, and will describe and quantify the artificial reef material being transported. The manifest will also include the latitude and longitude coordinates of the proposed deployment location, the valid permit number, and the copy off the permit conditions for the permitted site. The manifest must be available for inspection by any authorized law enforcement officer or commission employee."

This requirement for a cargo manifest became part of the statutory revision of the artificial reef program statute Section 370.25 Florida Statutes (F.S.), modified during the 2000 State of Florida Legislature. The statutory language allows a "commission certified inspector" to complete and approve the artificial reef materials cargo manifest. Therefore, we are providing the attached cargo manifest form to all local coastal government artificial reef coordinators and eligible non-profit corporations who may physically construct artificial reefs with the approval of the permit holders.

INSTRUCTIONS

A separate cargo manifest form is to be completed for each load to be transported offshore (i.e., one manifest per voyage). The manifest is to list all, and only, the reef materials onboard.

The top of the form is to be filled out by the reef builder with his/her contact information and the information about the proposed reef materials to be deployed written into the boxes. If several materials are identical but have different tag numbers, please write "SAME" in the box for the other materials. Also put "SAME" under additional coordinates if all materials are going to the same deployment site.

The shaded portion of the form at the bottom is to be filled out by the materials inspector. The cargo manifest must be completed by an entity representing the holder of the applicable artificial reef permit to assure that all materials meet the requirements of the permit.

Completion of the artificial reef materials cargo manifest is required for all construction activities.

The requirement to complete this document is not intended to be an undue burden on entities wishing to legally construct artificial reefs within permitted sites, but is a tool to assist law enforcement personnel in preventing the illegal construction of artificial reefs without the knowledge of the permit holder or in areas outside of legally permitted sites. It is intended to allow law enforcement staff to determine whether or not a load of materials is legal under the permit conditions. Without a properly completed Cargo Manifest Form on board, reef builders will be returned to port pursuant to Chapter 370.25 (6) (b). It is not necessary to send a copy of the Cargo Manifest Form to the FWC artificial reef section in Tallahassee. Documentation of the reef building activity should be maintained by the entity issuing the manifest in the event of any FWC inquiries.

Reminder: the placement of all public artificial reefs in state or adjacent federal waters requires the submittal of a Materials Placement Report to the FWC artificial reef program within 30 days of public reef deployment in accordance with s. 370.25 F.S.



Vessel Strike Avoidance Measures and Reporting for Mariners NOAA Fisheries Service, Southeast Region

Background

The National Marine Fisheries Service (NMFS) has determined that collisions with vessels can injure or kill protected species (e.g., endangered and threatened species, and marine mammals). The following standard measures should be implemented to reduce the risk associated with vessel strikes or disturbance of these protected species to discountable levels. NMFS should be contacted to identify any additional conservation and recovery issues of concern, and to assist in the development of measures that may be necessary.

Protected Species Identification Training

Vessel crews should use an Atlantic and Gulf of Mexico reference guide that helps identify protected species that might be encountered in U.S. waters of the Atlantic Ocean, including the Caribbean Sea, and Gulf of Mexico. Additional training should be provided regarding information and resources available regarding federal laws and regulations for protected species, ship strike information, critical habitat, migratory routes and seasonal abundance, and recent sightings of protected species.

Vessel Strike Avoidance

In order to avoid causing injury or death to marine mammals and sea turtles the following measures should be taken when consistent with safe navigation:

1. Vessel operators and crews should maintain a vigilant watch for marine mammals and sea turtles to avoid striking sighted protected species.
2. When whales are sighted, maintain a distance of 100 yards or greater between the whale and the vessel.
3. When sea turtles or small cetaceans are sighted, attempt to maintain a distance of 50 yards or greater between the animal and the vessel whenever possible.
4. When small cetaceans are sighted while a vessel is underway (e.g., bow-riding), attempt to remain parallel to the animal's course. Avoid excessive speed or abrupt changes in direction until the cetacean has left the area.
5. Reduce vessel speed to 10 knots or less when mother calf pairs, groups, or large assemblages of cetaceans are observed near an underway vessel, when safety permits. A single cetacean at the surface may indicate the presence of submerged animals in the vicinity; therefore, prudent precautionary measures should always be exercised. The vessel should attempt to route around the animals, maintaining a minimum distance of 100 yards whenever possible.



6. Whales may surface in unpredictable locations or approach slowly moving vessels. When an animal is sighted in the vessel's path or in close proximity to a moving vessel and when safety permits, reduce speed and shift the engine to neutral. Do not engage the engines until the animals are clear of the area.

Additional Requirements for the North Atlantic Right Whale

1. If a sighted whale is believed to be a North Atlantic right whale, federal regulation requires a minimum distance of 500 yards be maintained from the animal (50 CFR 224.103 (c)).
2. Vessels entering North Atlantic right whale critical habitat are required to report into the Mandatory Ship Reporting System.
3. Mariners should check with various communication media for general information regarding avoiding ship strikes and specific information regarding North Atlantic right whale sighting locations. These include NOAA weather radio, U.S. Coast Guard NAVTEX broadcasts, and Notices to Mariners. Commercial mariners calling on United States ports should view the most recent version of the NOAA/USCG produced training CD entitled "A Prudent Mariner's Guide to Right Whale Protection" (contact the NMFS Southeast Region, Protected Resources Division for more information regarding the CD).
4. Injured, dead, or entangled right whales should be immediately reported to the U.S. Coast Guard via VHF Channel 16.

Injured or Dead Protected Species Reporting

Vessel crews should report sightings of any injured or dead protected species immediately, regardless of whether the injury or death is caused by your vessel.

Report marine mammals to the Southeast U.S. Stranding Hotline: 877-433-8299
Report sea turtles to the NMFS Southeast Regional Office: 727-824-5312

If the injury or death of a marine mammal was caused by a collision with your vessel, responsible parties should remain available to assist the respective salvage and stranding network as needed. NMFS' Southeast Regional Office should be immediately notified of the strike by email (takeareport.nmfs-ser@noaa.gov) using the attached vessel strike reporting form.

For additional information, please contact the Protected Resources Division at:
NOAA Fisheries Service
Southeast Regional Office
263 13th Avenue South
St. Petersburg, FL 33701
Tel: (727) 824-5312
Visit us on the web at <http://sero.nmfs.noaa.gov>

NMFS Southeast Region Vessel Strike Avoidance Measures and Reporting for Mariners; revised February 2008.



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Attachment # C . Page 2 of 2



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
263 13th Avenue South
St. Petersburg, FL 33701

SEA TURTLE AND SMALLTOOTH SAWFISH CONSTRUCTION CONDITIONS

The permittee shall comply with the following protected species construction conditions:

- a. The permittee shall instruct all personnel associated with the project of the potential presence of these species and the need to avoid collisions with sea turtles and smalltooth sawfish. All construction personnel are responsible for observing water-related activities for the presence of these species.
- b. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing sea turtles or smalltooth sawfish, which are protected under the Endangered Species Act of 1973.
- c. Siltation barriers shall be made of material in which a sea turtle or smalltooth sawfish cannot become entangled, be properly secured, and be regularly monitored to avoid protected species entrapment. Barriers may not block sea turtle or smalltooth sawfish entry to or exit from designated critical habitat without prior agreement from the National Marine Fisheries Service's Protected Resources Division, St. Petersburg, Florida.
- d. All vessels associated with the construction project shall operate at "no wake/idle" speeds at all times while in the construction area and while in water depths where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will preferentially follow deep-water routes (e.g., marked channels) whenever possible.
- e. If a sea turtle or smalltooth sawfish is seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure its protection. These precautions shall include cessation of operation of any moving equipment closer than 50 feet of a sea turtle or smalltooth sawfish. Operation of any mechanical construction equipment shall cease immediately if a sea turtle or smalltooth sawfish is seen within a 50-ft radius of the equipment. Activities may not resume until the protected species has departed the project area of its own volition.
- f. Any collision with and/or injury to a sea turtle or smalltooth sawfish shall be reported immediately to the National Marine Fisheries Service's Protected Resources Division (727-824-5312) and the local authorized sea turtle stranding/rescue organization.
- g. Any special construction conditions, required of your specific project, outside these general conditions, if applicable, will be addressed in the primary consultation.

Revised: March 23, 2006

O:\forms\Sea Turtle and Smalltooth Sawfish Construction Conditions.doc



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Attachment # D, Page ____ of ____

STANDARD MANATEE CONDITIONS FOR IN-WATER WORK 2005

The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-FWCC. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-232-2580) for north Florida or Vero Beach (1-561-562-3909) for south Florida.
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Awareness signs that have already been approved for this use by the Florida Fish and Wildlife Conservation Commission (FWC) must be used. One sign measuring at least 3 ft. by 4 ft. which reads *Caution: Manatee Area* must be posted. A second sign measuring at least 8 1/2" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities.



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Attachment # E, Page 1 of 3

FWC Approved Manatee Educational Sign Suppliers

ASAP Signs & Designs
624-B Pinellas Street
Clearwater, FL 33756
Phone: (727) 443-4878
Fax: (727) 442-7573

Wilderness Graphics, Inc.
P. O. Box 1635
Tallahassee, FL 32302
Phone: (850) 224-6414
Fax: (850) 561-3943
www.wildernessgraphics.com

Cape Coral Signs & Designs
1311 Del Prado Boulevard
Cape Coral, FL 33990
Phone: (239) 772-9992
Fax: (239) 772-3848

Municipal Supply & Sign Co.
1095 Fifth Avenue, North
P. O. Box 1765
Naples, FL 33939-1765
Phone: (800) 329-5366 or
(239) 262-4639
Fax: (239) 262-4645
www.municipalsigns.com

Vital Signs
104615 Overseas Highway
Key Largo, FL 33037
Phone: (305) 451-5133
Fax: (305) 451-5163

Universal Signs & Accessories
2912 Orange Avenue
Ft. Pierce, FL 34947
Phone: (800) 432-0331 or
(772) 461-0665
Fax: (772) 461-0669

New City Signs
1829 28th Street North
St. Petersburg, FL 33713
Phone: (727) 323-7897
Fax: (727) 323-1897

**United Rentals Highway
Technologies**
309 Angle Road
Ft. Pierce, FL 34947
Phone: (772) 489-8772
or (800) 489-8758 (FL only)
Fax: (772) 489-8757



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CAUTION: MANATEE HABITAT

All project vessels

IDLE SPEED / NO WAKE

**When a manatee is within 50 feet of work
all in-water activities must**

SHUT DOWN

Report any collision or injury to:

1-888-404-FWCC (1-888-404-3922)

Florida Fish and Wildlife Conservation Commission



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of Engineers**

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AS-BUILT CERTIFICATION BY PROFESSIONAL ENGINEER

Submit this form and one set of as-built engineering drawings to the U.S. Army Corps of Engineers, Enforcement Branch, Post Office Box 4970, Jacksonville, Florida 32232-0019. If you have questions regarding this requirement, please contact the Enforcement Branch at 904-232-2907.

1. Department of the Army Permit Number: _____

2. Permittee Information:

Name _____

Address _____

3. Project Site Identification:

Physical location/address _____

4. As-Built Certification:

I hereby certify that the authorized work, including any mitigation required by Special Conditions to the permit, has been accomplished in accordance with the Department of the Army permit with any deviations noted below. This determination is based upon on-site observation, scheduled and conducted by me or by a project representative under my direct supervision. I have enclosed one set of as-built engineering drawings.

Signature of Engineer

Name (Please type)

(FL, PR or VI) Reg. Number

Company Name

Address

City

State

ZIP

(Affix Seal)

Date

Telephone Number



US Army Corps
of Engineers

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Attachment # 1, Page 1 of 1

Deviations from the approved permit drawings and special conditions:
(attach additional pages if necessary)

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.